

## CHAPTER 75

### WRITING, SENDING, OR VIEWING ELECTRONIC MESSAGES WHILE DRIVING

S.F. 234

**AN ACT** relating to the use of electronic communication devices to write, send, or view electronic messages while driving as a primary offense, and making penalties applicable.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 321.276, subsection 1, paragraphs b, c, and d, Code 2017, are amended to read as follows:

b. *“Hand-held electronic communication device”* means a mobile telephone or other portable electronic communication device capable of being used to write, send, or ~~read a text~~ view an electronic message. *“Hand-held electronic communication device”* does not include a voice-operated or hands-free device which allows the user to write, send, or ~~read a text~~ view an electronic message without the use of either hand except to activate or deactivate a feature or function. *“Hand-held electronic communication device”* does not include a wireless communication device used to transmit or receive data as part of a digital dispatch system. *“Hand-held electronic communication device”* includes a device which is temporarily mounted inside the motor vehicle, unless the device is a voice-operated or hands-free device.

c. ~~Text~~ *“Electronic message”* includes images visible on the screen of a hand-held electronic communication device including a text-based message, an instant message, and a portion of electronic mail, an internet site, a social media application, or a game.

d. The terms *“write”*, *“send”*, and ~~“read”~~ *“view”*, with respect to ~~a text~~ an electronic message, mean the manual entry, transmission, ~~and or~~ retrieval of a text an electronic message, respectively, to communicate with any other person or device and include playing, browsing, or accessing an electronic message.

Sec. 2. Section 321.276, subsection 2, unnumbered paragraph 1, Code 2017, is amended to read as follows:

A person shall not use a hand-held electronic communication device to write, send, or ~~read a text~~ view an electronic message while driving a motor vehicle unless the motor vehicle is at a complete stop off the traveled portion of the roadway.

Sec. 3. Section 321.276, subsection 2, paragraph b, unnumbered paragraph 1, Code 2017, is amended to read as follows:

The provisions of [this subsection](#) relating to ~~reading a text~~ writing, sending, or viewing an electronic message do not apply to the following persons:

Sec. 4. Section 321.276, subsection 3, Code 2017, is amended to read as follows:

3. Nothing in [this section](#) shall be construed to authorize a peace officer to confiscate a ~~portable~~ hand-held electronic communication device from the driver or occupant of a motor vehicle.

Sec. 5. Section 321.276, subsection 5, Code 2017, is amended by striking the subsection.

Sec. 6. Section 805.8A, subsection 14, paragraph 1, Code 2017, is amended to read as follows:

1. ~~Text messaging~~ Writing, sending, or viewing an electronic message while driving violations. For violations under [section 321.276](#), the scheduled fine is thirty dollars.

Approved April 17, 2017